

PX 3

Declaration of William G. Cronberger

DECLARATION OF WILLIAM G. CRONBERGER
PULSE 360 CUSTODIAN OF RECORDS
Pursuant to 28 U.S.C. § 1746

I, William G. Cronberger, hereby declare as follows:

1. My name is William G. Cronberger. I am the Senior Vice President, Information Security Officer at Pulse 360, Inc. ("Pulse 360"). In that capacity, I am a Custodian of Records of Pulse 360. If called as a witness, I would testify to the following facts of which I have personal knowledge.
2. Pulse 360 provides online advertising services for online advertisers and publishers. Among other things, Pulse 360 assists advertisers to place advertisements on a network of high quality content with desirable demographics. Advertisers that submit advertisements to Pulse 360 can pick the particular topics and categories of third party websites on the Pulse 360 network on which their ads are placed. The advertisements, which generally display images and/or text, are intended to attract traffic to the advertiser's website by linking to that website when consumers click on the ad. Pulse 360 typically charges its advertisers on a "cost-per-click" basis, meaning that the advertiser pays for the ad only if, in response to the ad, a consumer clicks on the link, and is taken to the advertiser's website. There are other pricing models as well. The appearance of an advertiser's ad or link on a website is called an "impression." The advertiser selects the text and images used in the ads that appear with each impression.
3. Pulse 360 maintains account information concerning customers who purchase ad placement services with it ("advertisers"). That information is automatically recorded at or near the times that the ads are placed, and the information is maintained by Pulse 360 in the regular course of business.

4. In response to Civil Investigative Demands issued by the Federal Trade Commission (“FTC”), Pulse 360 produced data compilations in the form of electronic spreadsheets that summarized account information about certain of its advertisers, including Circa Direct, LLC (“Circa Direct”), for which Andrew Davidson (Mr. Davidson) was the contact. Specifically, Pulse 360 provided two such spreadsheets to the FTC (one containing advertising information and another containing billing information) on or about October 4, 2010. Pulse 360 provided two additional spreadsheets (containing, respectively, advertising and billing information) with updated information regarding the same accounts, on or about March 4, 2011.
 - a. The advertising spreadsheets produced to the FTC on or about October 4, 2010, and March 4, 2011, provided information including the topic, or category of traffic that the advertiser purchased for the ad; the title of the advertisement that consumers viewed on the website; the description, of advertiser-prepared advertisement language that consumers saw on the website(s); the click URL (copy of ad), indicating the advertiser-determined website address where consumers who clicked on the placed advertisement were directed; the number of impressions the advertisement was posted on the website(s) and potentially viewed by consumers on the Pulse 360 advertising network. In addition, the spreadsheets indicated the number of times consumers clicked on the advertiser's advertisement and were directed to the click URL, as determined by Pulse 360's tracking mechanisms, and the revenue received by Pulse 360 from the advertisers on a cost-per-click basis

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- b. The billing spreadsheets produced to the FTC on or about October 4, 2010, and March 4, 2011, provided information including the amount the advertiser deposited into its Pulse 360 account for ad placement, the date and time of the customer's deposit into its account, and the name on the credit card used to make the deposit. Pulse 360 drew from the customer's account on a cost-per-click basis.
- c. I certify that all of the data that Pulse 360 provided in the above-referenced advertising and billing spreadsheets were automatically recorded, at or near the time the advertiser's ads were placed, from information transmitted by a person with knowledge; that such data were kept in the course of Pulse 360's regularly conducted business activity; and that it was Pulse 360's regular practice to record and maintain this data.

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5. Pulse 360 employees engaged in email correspondence with Circa Direct representative Mr. Davidson through the email address drewjd2k@gmail.com. Pulse 360 kept these email messages in the course of its regularly conducted business activity. True and correct copies of certain of this email correspondence, labeled as A-000001 – A-000009, are attached to this declaration as Attachment A.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 4/11 2011.



William G. Cronberger, Senior Vice President
Pulse 360, Inc.

Declaration of William Cronberger

Attachment A
to Declaration of William Cronberger

Tucci, Elizabeth

From: Drew Davidson [drewjd2k@gmail.com]
Sent: Tuesday, May 18, 2010 4:05 PM
To: Joe Burton
Subject: circa direct tags

Here are tags:

<http://circadirect.com/tags/pulse-cpm.htm>

Tucci, Elizabeth

From: Drew Davidson [drewjd2k@gmail.com]
Sent: Saturday, April 24, 2010 11:41 AM
To: Joe Burton
Subject: Re: ads down

Yeah just saw that and put in 20k hopefully it doesn't hurt it

On Sat, Apr 24, 2010 at 9:00 AM, Joe Burton <joeb@pulse360.com> wrote:

I just noticed your out of cash too try to get funds in there asap so you don't lose out on the volume you earned!!!



Joe Burton

Director of Sales

P: 716 817 5085

F: 716 636 6244

E: joeb@pulse360.com

www.pulse360.com

----- Forwarded message -----
From: **Joe Burton** <joeb@pulse360.com>
Date: Thu, Dec 3, 2009 at 4:50 PM
Subject: Fw: Disgruntled Customers
To: drewjd2k@gmail.com

Can you help out here. If rubicon keeps getting all these complaints they will shut you down

From: John Edholm
To: Joe Burton; Michael Kelly; Jeff Kamikow
Sent: Thu Dec 03 16:45:33 2009
Subject: FW: Disgruntled Customers

Guys-

4 different issues from Rubicon... can you see what we can do based off the information below?

Thanks!

John

From: Lindsey Mitten [<mailto:lindsey@rubiconproject.com>]
Sent: Thursday, December 03, 2009 4:40 PM
To: John Edholm
Cc: Ryan Dranginis; Charlie Lambropoulos
Subject: Disgruntled Customers

Hi John

We have a couple more instances of users wanting to get in touch with advertisers. Can you let me know if this is possible?

Media General:

1) Chris Price- cprice@cmcddata.com

I recently went to a website that was on your advertising area. It was about working on Google--there were comments such as earning \$63.00 per day, etc. Anyway--it is a major HOAX--I have lost \$70 plus even though I called the number to cancel. When I called back they said they didn't process my payment, but another #877-696-5494 did--I have been on hold forever for that #--Joe told me that it was someone else--anyway--I am still trying to resolve--the company was blogging for cash

2) David Evensen- devensen@verizon.net

<http://internetjobnews.com> Please tell me why a reputable news agency like yours would allow unscrupulous scammers like this guy to advertize. I am so disappointed! Do you know how many desperate families out there have fallen prey to this guy? Disappointed in TBO, David

3) Jim Riggio (813)731-9855- jr@stowitaway.com

I want you to know that you were advertising a scam called google profits that is trying to rape members who sign up after reading the article attached to your ad. After contacting them regarding my interest in the home based biz, they have now illegally charged my account several times which was never discussed. I was only authorizing them to charge 1.97 for shipping and handling and then I have now received two more fraud charges, the last being \$47.50 for some bs training that I never signed up for. You should really investigate into this being that you were the ones promoting it on your site and did not find out any info on whether they were legit or not. Very upset, Jim Riggio (813)731-9855

4) Patricia Huffman- phuffman@bristolnews.com

Thankfully, they returned a little of it today but not all of it. From my discussions with Pacific WebWorks, they refuse to return the full amount. I would like to collect the remaining amount of \$314.40. Below is a snapshot from my credit card of what should be returned to me (except for one returned charge of \$79.9 and the fateful \$2.95 that I agreed to):

08/18/2009*2.95*100**CC Debit Purchase : PWW*Google	8/18/2009 CC Debit Purchase : PWW*Google	ATM 800-4974988 UT	(2.95)
08/25/2009*79.90*100**CC Debit Purchase : PWW*Google	8/25/2009 CC Debit Purchase : PWW*Google	ATM 800-4974988 UT	(79.90)
09/25/2009*79.90*100**CC Debit Purchase :	9/25/2009 CC Debit Purchase :	PWW*Internet Biz Kit 800-4974988 UT	(79.90)
10/26/2009*79.90*100**CC Debit Purchase :	10/26/2009 CC Debit Purchase :	PWW*Internet Biz Kit 800-4974988 UT	(79.90)
11/25/2009*79.90*100**CC Debit Purchase :	11/25/2009 CC Debit Purchase :	PWW*Internet Biz Kit 800-4974988 UT	(79.90)
09/11/2009*24.90*100**CC Debit Purchase :	9/11/2009 CC Debit Purchase :	PWW*WebStores 800-4974988 UT	(24.90)
10/12/2009*24.90*100**CC Debit Purchase :	10/12/2009 CC Debit Purchase :	PWW*WebStores 800-4974988 UT	(24.90)
11/11/2009*24.90*100**CC Debit Purchase :	11/11/2009 CC Debit Purchase :	PWW*WebStores 800-4974988 UT	(24.90)
			(397.25)

This other company got my name (they say they are not part of Pacific WebWorks) and charged by account, but refunded the money today:

09/16/2009*38.77*100**CC Debit Purchase :	9/16/2009 CC Debit Purchase :	8CLICKSELLGO8854979450 866-4979450 MO	(38.77)
10/16/2009*38.77*100**CC Debit Purchase :	10/16/2009 CC Debit Purchase :	8CLICKSELLGO8854979450 866-4979450 MO	(38.77)
11/16/2009*38.77*100**CC Debit Purchase :	11/16/2009 CC Debit Purchase :	8CLICKSELLGO8854979450 866-4979450 MO	(38.77)

I was glad to see that Media General removed the ad from the website. That was definitely the right thing to do. Pacific WebWorks is very deceptive in their advertising practices. Pulse360 should not partner with companies like them.

the rubicon project

LINSEY MITTEN | ACCOUNT MANAGER, AD NETWORK DEVELOPMENT

... P 310 207 0272 | x193
... F 310 207 0528

1925 S. BUNDY DRIVE
LOS ANGELES, CALIFORNIA 90025

WWW.RUBICONPROJECT.COM



"COMPANY OF THE YEAR" ALWAYSON ONMEDIA 2009

2009 TIE50 WINNER
#24 ON FAST COMPANY FAST 50 READER FAVORITES
2008 ALWAYSON 250 GLOBAL WINNER
2008 ALWAYSON ONMEDIA 100 WINNER
TWISTUP3 BEST IN SHOW
AMERICAN BUSINESS AWARDS - STEVIES '08 FINALIST
PRICEWATERHOUSECOOPERS - ENTRETECH BEST STARTUP

Tucci, Elizabeth

From: Drew Davidson [drewjd2k@gmail.com]
Sent: Saturday, April 17, 2010 7:40 PM
To: Joe Burton
Subject: Re: Fw: 4 20 Party Waiting List

I can be your escort, I'll have to check on the other stuff tho ;)

On Sat, Apr 17, 2010 at 7:30 PM, Joe Burton <joeb@pulse360.com> wrote:

Am I vip with my own private tables and escort?

From: Drew Davidson
To: Joe Burton
Sent: Sat Apr 17 13:41:15 2010

Subject: Re: Fw: 4.20 Party Waiting List
Happened to a few people I invited. You should be on the 9pm list now not sure if you'll get an email tho

Btw I just added some new images to the diet campaign

On Sat, Apr 17, 2010 at 1:31 PM, Joe Burton <joeb@pulse360.com> wrote:

Just busting your balls man. All good :)

From: Drew Davidson
To: Joe Burton
Sent: Sat Apr 17 13:28:49 2010
Subject: Re: Fw: 4.20 Party Waiting List
Ugh let me find out whats going on

On Sat, Apr 17, 2010 at 1:19 PM, Joe Burton <joeb@pulse360.com> wrote:

What the heck!!!!!!!!!!!!

From: ppcbz2010adtech@aweber.com
To: Joe Burton
Sent: Sat Apr 17 13:16:05 2010
Subject: 4.20 Party Waiting List
Hello Joe Burton;

Sorry to inform you that you've been moved to the Waiting List for the 2nd Annual PPC.bz Get Money + Get Paid Party by EWA Network.

We have a limited number of spaces available, and we absolutely must give priority to affiliates.

When we open the doors at 11PM for more people, being on the Waiting List gives you priority over people that just show up

Once again, sorry! Not our fault we throw the bombest bash in town and everyone wants to come.

PPC.bz 10940 Mainstreet Parker CO 80138

To unsubscribe or change subscriber options visit:

FTC-000260 A-000008

3/23/2011

<http://www.aweber.com/z/r/?jEysnMyMjLQsnGxMTGzMTLRGtGzsjCwsrBw=>